

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

JANUARY 10, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dyer called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

David Dyer, D.C., Chairman
Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
David Frischman, D.C.
David Davis, D.C.

Board Member Absent:

Marian Klaes-Lanham, D.C.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

BERNZOTT/FRISCHMAN
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE NOVEMBER 1, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the November 1, 2007 meeting of the Board.

BERNZOTT/DAVIS
Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

1. **Milton T. Kellum, D.C., License No. 08000419A**
Administrative Cause No. 2002 IBCE 0003

Dr. Kellum appeared before the Board, as requested, regarding his ongoing probationary status. He advised the Board that he has still not completed the continuing education of twelve (12) hours in the area of boundary issues as required by his Probation Order. The Board expressed frustration with the fact that Dr. Kellum has been appearing before them for five (5) years and has not yet completed the continuing education. That is the last requirement he has to fulfill before he could petition for a hearing to have his probation withdrawn. Dr. Kellum apologized for wasting the Board's time and stated that it takes time and money to attend continuing education program. He does not intend to practice again so it is just not something he has not done. After a lengthy discussion with the Board, Dr. Kellum orally requested an administrative hearing to be scheduled at the March 6, 2008 meeting to modify the terms of his probationary order.

Board Action: A motion was made and seconded to schedule an administrative hearing at the March 6, 2008 meeting to modify the terms of Dr. Kellum's probation.

BERNZOTT/DAVIS
Motion carried 5-0-0

B. RENEWAL

1. David A. Murdoch, D.C., License No. 08000980A

Dr. Murdoch appeared before the Board, as requested, regarding the renewal of his chiropractic license. Dr. Murdoch successfully passed the law examination prior to the meeting. Dr. Murdoch's license expired in 2000 and he explained that he has been practicing in Illinois and plans to move back to Fort Wayne.

Board Action: A motion was made and seconded to grant the renewal of Dr. Murdoch's chiropractic license.

DYER/DAVIS
Motion carried 5-0-0

C. APPLICATION

1. Nicholas Robert Goins, D.C.

Dr. Goins appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Goins has successfully completed the law examination. Dr. Goins is a 2007 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Goins does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Goins chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

2. Justin David-Gus Mohr, D.C.

Dr. Mohr appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Mohr has successfully completed the law examination. Dr. Mohr is a 2007 graduate of Logan College of Chiropractic and has taken and

passed National Boards Parts I, II, III, IV and Physiotherapy. Dr. Mohr does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Mohr chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

3. Mitchell Wade Monday, D.C.

Dr. Monday appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Monday has successfully completed the law examination. Dr. Monday is a 2007 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Monday does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Gener chiropractic licensure.

DAVIS/FRISCHMAN
Motion carried 5-0-0

4. Lauren Hunter Montieth, D.C.

Dr. Montieth appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Montieth has successfully completed the law examination. Dr. Montieth is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Montieth does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Montieth chiropractic licensure.

DAVIS/FRISCHMAN
Motion carried 5-0-0

5. Raysha Renee Rashidian, D.C.

Dr. Rashidian appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Rashidian has successfully completed the law examination. Dr. Rashidian is a 2004 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Rashidian holds a license in Kentucky.

Board Action: A motion was made and seconded to grant Dr. Rashidian chiropractic licensure.

BERNZOTT/DAVIS
Motion carried 5-0-0

6. Robert James Goode, D.C.

Dr. Goode appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Goode has successfully completed the law examination. Dr. Goode is a 2007 graduate of Life University and has taken and passed National

Boards Parts I, II, III, IV, and Physiotherapy. Dr. Goode does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Goode chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

7. Brian Patrick Nordeen, D.C.

Dr. Nordeen appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Nordeen has successfully completed the law examination. Dr. Nordeen is a 2007 graduate of Life University and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Nordeen does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Nordeen chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

8. Jason Douglas Russell, D.C.

Dr. Russell appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Russell has successfully completed the law examination. Dr. Russell is a 2007 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Russell does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Barkat chiropractic licensure.

FRISCHMAN/DAVIS
Motion carried 5-0-0

9. Erik Michael Simms, D.C.

Dr. Simms appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Simms has successfully completed the law examination. Dr. Simms is a 2006 graduate of Logan College of Chiropractic and has taken and passed National Board Parts I, II, III, IV, and Physiotherapy. Dr. Simms holds a Missouri license.

Board Action: A motion was made and seconded to grant Dr. Simms chiropractic licensure.

COCHRAN/BERNZOTT
Motion carried 5-0-0

10. Derrick Peter Yoder, D.C.

Dr. Yoder appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Yoder has successfully completed the law examination. Dr. Yoder is a 2006 graduate of Logan College of Chiropractic and has taken and

passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Yoder holds a Missouri license.

Board Action: A motion was made and seconded to grant Dr. Yoder Chiropractic licensure.

D. REQUEST FOR REINSTATEMENT

1. James Dean Cory, D.C., License No. 08001650A

Dr. Cory appeared before the Board, as requested, regarding his request to reinstate his chiropractic license. In December 2006, Dr. Cory wrote the Board a letter stating he no longer practiced chiropractic and wished to surrender his license. The Board accepted the voluntary surrender of Dr. Cory's license. In October 2007, Dr. Cory wrote the Board a letter and stated that would like his license to be reinstated. He explained that he acted in haste due to depression and confusion because he lost a job and separated from his wife in the same week. He stated he lost his job due to a dispute with his employer involving money and the number of patients he was treating. Dr. Cory told the Board at this meeting that he is doing much better and has sought counseling at Porter-Starke Services. He presented the Board with his psychiatric assessment and treatment plan and stated he is not currently on any medication. He expressed the desire to practice chiropractic again and felt confident in his ability to start over and handle the stress. Dr. Cory has retaken and passed the law examination and he presented copies of continuing education to the Board for the previous biennium.

Board Action: A motion was made and seconded to reinstate Dr. Cory's chiropractic license on the condition that he make a personal appearance in six months and another one in one year.

COCHRAN/DAVIS
Motion carried 5-0-0

V. ADMINISTRATIVE HEARING

A. State of Indiana v. Thomas Menendez, D.C., License No. 08001272A

Administrative Cause No. 98 IBCE 005

Re: Petition for Request to Withdraw Order of Probation

Parties and Counsel Present:

Respondent was present and was not represented by counsel.
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Dyer (Hearing Officer)
Dr. Cochran
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: The State reminded the Board that the Respondent was placed on probation because in 1998 he was convicted of tax evasion in the United States District Court. The Respondent's probation order states that he may not petition for withdrawal of his probation status until he has made full restitution to the United States Government. The

Respondent presented the Board with proof that he has paid off all past-due federal income taxes, interests, and penalties. He entered into evidence exhibit #1 which contained a letter to his IRS collection officer confirming his payoff balance, a letter from his IRS officer confirming the payoff balance, and a letter from the IRS showing the release of tax liens against his property since his debt has been satisfied. He expressed his regret in the choice he made to try and get around paying his taxes and assured the Board he now considers it an honor to pay taxes and will never make this mistake again.

Board Action: A motion was made and seconded to grant the Respondent's request and withdraw the probation order.

COCHRAN/FRISCHMAN
Motion carried 5-0-0

B. State of Indiana v. Horng Yuan Shao, D.C., License No. 08001807A
Administrative Cause No. 2007 IBCE 0002
Re: Petition for Reinstatement of License

Parties and Counsel Present:

Respondent was present and was represented by Counsel James Voyles
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Dyer (Hearing Officer)
Dr. Cochran
Dr. Bernzott
Dr. Davis
Dr. Frischman

Case Summary: The Respondent petitioned the Board for reinstatement of his chiropractic license. The Respondent's Counsel told the Board he has served the two (2) month suspension time period and completed his community service. They would like his license to be reinstated on Indefinite Probation for a period of three (3) years subject to certain terms and conditions as written in a previous settlement agreement.

Board Action: A motion was made and seconded to grant Respondent's petition for reinstatement of Respondent's license to Indefinite Probation subject to the following terms and conditions:

1. The Respondent's license is placed on indefinite probation. The Respondent may request to have probation withdrawn after a period of three (3) years from the date of this order.
2. The Respondent shall at all times keep the Board apprised of his home address, mailing address and residential telephone number.
3. The Respondent shall at all times keep the Board apprised of his place of employment, employment telephone number, and name of his employment supervisor.
4. The Respondent shall at all times keep the Board informed of his occupation, title and work schedule, including the number of hours worked.
5. The Respondent shall utilize an outside billing service for the duration of his probation.
6. The Respondent and pertinent staff shall take a coding seminar during the first six (6) months of the probationary period and provide proof of the same to the Indiana Professional Licensing Agency.

7. The Respondent shall make personal appearances before the Board on a quarterly basis.
8. The Respondent shall present at his probationary appearances an affidavit attesting to the fact that he is in full compliance with both his federal probation and the probationary order of the Board.
9. The Respondent shall complete fifteen (15) hours of continuing education at his own expense in the area of billing practices during the first year of probation. These continuing education units shall be in addition to the continuing education units required for maintaining his license in the State of Indiana. Proof of completion of the fifteen (15) hours of continuing education shall be submitted to the Board in care of the Indiana Professional Licensing Agency.
10. The Respondent shall perform four (4) hours of community service for each month of probation. Respondent shall submit proof of completion of community service to the Board in writing on a quarterly basis. Hours of community service completed as a condition of the Respondent's federal probation may be counted toward the community service hours required by the Board.
11. The Respondent shall comply with the terms and conditions of his federal probation during the probationary term of his license.
12. Failure to comply with the requirements of probation or the statutes and regulations governing the practice of chiropractic medicine may subject the Respondent to a show cause hearing before the Board and the imposition of further sanctions, including the emergency suspension of his license.

BERNZOTT/COCHRAN
Motion carried 5-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

A. State of Indiana, ex rel the Indiana Board of Veterinary Medical Examiners v. Pamela Ann Buss, D.C.

Re: Court's Findings of Fact, Conclusion of Law and Order

Discussion was held regarding the State of Indiana, ex rel the Indiana Board of Veterinary Medical Examiners v. Pamela Ann Buss, D.C. which was ruled on by the Pike County Court. The Indiana Board of Veterinary Medical Examiners asked the Attorney General's Office to file an injunction against Dr. Buss for practicing veterinary medicine without a license by performing chiropractic services on animals without being under the direct supervision of a veterinarian. This case began on September 2, 2004 when the Chiropractic Board censured Dr. Buss for practicing chiropractic on animals. Dr. Buss appealed this decision to the Dubois Circuit Court. On December 16, 2005 the Dubois Circuit Court reversed the Indiana Chiropractic Board's finding that a chiropractor could perform chiropractic on animals. The Dubois Circuit court made no findings with regard to the applicability of the Indiana Veterinary Practice Act. The Pike County Court's Findings of Fact and Conclusion of Law and Order concluded that the Dr. Buss's chiropractic activities constitute the unlicensed practice of veterinary medicine. The Board discussed

this matter. Ms. Brown stated that this decision only relates to Dr. Buss.

IX. DISCUSSION

There were no items for discussion.

X. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review

D. Professional Corporation Applications

There were no Professional Corporation applications to review

XI. PROBATIONARY REPORT

There were no probationary reports given.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

Pat McGuffey informed the Board the ISCA Spring conference will be held March 7-9, 2008 at the downtown Hilton. She mentioned legislation that has been introduced as HB1055 regarding the assignment of benefits and they will be introducing the Spinal Manipulation Act which requires 400 hours of training which is equal to what a chiropractor obtains in school in order to manipulate the spinal column. She also told the Board the ISCA is having a meeting January 17, 2008 with Anthem and the Department of Insurance to discuss some issues with reimbursements and audits.

B. International Chiropractic Association of Indiana

There was no report given by a representative of ICAI.

C. Consumer Complaints

Dr. Bernzott only advised that he hasn't had many to review.

D. Continuing Education

Dr. Davis reviewed and approved one program.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 12:30 p.m.



David Dyer, D.C. - Chairman

3-6-08
Date



Charles Cochran, D.C. - Vice Chairman

3-6-08
Date